

EXHIBIT 21

Letter dated January 31, 1925 to Rush L. Holland, Assistant Attorney General, from Walker River Irrigation District

BOARD OF DIRECTORS
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Organized under the laws of the State of Nevada; located in Mason, Smith and East Walker valleys, comprising the Walker River Basin.

IN

OUT

WALKER RIVER IRRIGATION DISTRICT



January 31, 1925

Rush L. Holland, Assistant Attorney,
General Department of Justice,
Washington D. C.

215566-19
10/10/25
FEB 3

Dear Sir:-

Ans Feb 6/25

HOLLAND WALKER

In reply to your letter to us of January 21, 1925, allow us to say that we are glad to have been of service to you, even in a small way.

The informality of the occurrence prompts us to be informal in a matter that is of vital importance to all the water users on the Walker River, East Walker River, West Walker River and the tributaries thereof, both in the States of Nevada and California.

Our organization, as reference to the records of the General Land Office and the Federal Power Commission will show, represents all the water users in the Walker River basin in the State of Nevada with the single exception of the Walker River Reservation. There are some 83,613 acres of vested water rights within the basin, 57,784 acres of which are within our district. It is estimated that the population within the basin is some 4,000 people, of whom about 3,000 are within this district. The water rights, above mentioned, were determined through a suit in the United States District Court, consuming a period of some seventeen years, and are set forth in Decree in Equity No. 731, United States District Court for the District of Nevada, March 23, 1919. In 1907 the United States was formally requested to become a party to this suit but did not enter.

However, in July, 1924, the United States filed complaint against all the other water users in the stream system, and asked for an injunction against those users to prevent them using water from the stream until the reservation should be supplied with 150 cubic feet of water per second for the irrigation of 11,000 acres of land.

At the hearing on July 10th upon the Order to Show Cause, it was shown and acknowledged that the stream did not have that amount of water; however it was agreed by stipulation that the entire stream should be given up for the use of Indians for a period of five days, stored in the reservoirs owned by the Walker River Irrigation

215566-19

SHEET NO. 2

WALKER RIVER IRRIGATION DISTRICT
TO

Rush L. Holland, Assistant Attorney General


District, and delivered in as compact a body as possible to the reservation. The attempt was made; the result was that not a single drop of water reached the reservation but that the entire amount of water was completely lost. The season of 1924 was one of extreme drouth; the weather bureau records showing that it was the driest year in forty seven years.

The position of the people in the district is this: The first white settlers came into this country and settled along about 1855 to 1860. The dates of priority given for the vested rights in Decree No. 731, above referred to, began in the year 1860. Of course the lands, when first settled upon, were unsurveyed and it was many years before patents could be obtained. Afterwards a large portion of the lands were taken up under the Desert Land Laws, and all the water rights of the white settlers were acquired through "local customs, laws, and decisions of the courts," as referred to in the Desert Land Act and other land acts. The position of the people, defendants in this case, is not that the lands of the Walker River Reservation are not entitled to water, but that they are only entitled to water which they have applied to beneficial use, under the "local customs, laws, and decisions of the courts," above referred to.

The "Findings of Fact" in Decree No. 731 above referred to, shows that the reservation was entitled to the use of water for 1995 acres of various priorities ranging from 1868 to 1885, and we believe that the reports of the superintendent of the reservation, will show that there is, at present, not to exceed 2,000 acres of land under cultivation. Our people are perfectly willing to grant that such is the case, or are willing to admit any other acreage that the facts might show, but they do not believe, and cannot believe, that the Federal Government is willing or desirous of depriving them of the water to which they believe they have acquired a title through beneficial use with the compensation, particularly so when it is within the possibilities and within reason to protect the Indians of the reservation by the expenditure of a comparatively small amount of money through the building of storage reservoirs. There is ample water supply, and to spare, for the reservation if the supply is properly conserved. A decree of the year 1859 awarded to the reservation, under present circumstances would practically devastate this region.

Trusting that you will give this case the careful thought and attention that it deserves, I am

Very truly yours,


Harry G. Dukes
Secretary

WALKER RIVER IRRIGATION DISTRICT

HGD:EP